

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has not amended any claims. Accordingly, claims 1-53 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-53 stand rejected under 35 U.S.C. 102(e) as being unpatentable over Walker, U.S. Patent Application No. 2002/0193162, hereinafter referred to as Walker. The Applicant respectfully disagrees with the rejection of claims 1-53.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Walker fails to anticipate each and every limitation of claim 1. Therefore, claim 1 is not anticipated.

Claim 1 recites:

1. A method of generating revenue to a game provider from users each having a communication device within a network provided by a network provider, the method comprising the steps of:

establishing a tournament having a plurality of rounds, each round enabling the user to play a game provided by a game server on the user's communication device through the tournament scheme of play;

determining a fee to the user for playing each game in the tournament;

sending the determined fee from the game server to the network provider;

and

transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. (emphasis added)

The Applicant's invention relates to a system and method for conducting a tournament by a game provider for users using a game system. Games are provided by a game server through a network by a network provider. The game server provides a tournament scheme of play having a plurality of rounds. To progress to a next round,

a player must exceed a threshold score. During each round, the player may play several times in an attempt to exceed the threshold score. Revenue is generated from each game played in the tournament. The revenue is then shared between the network provider and the game provider.

In contrast to the Applicant's invention, Walker is related to operating a video game or video game tournament. A bonus is provided to a player playing the video game or participating in a video game tournament. A bonus is provided to the player if a rating associated with the player is worse than a threshold rating. For tournament play, a player pays a single entry fee to compete in the tournament (see paragraphs 33, 88, and FIG. 2 of Walker). Walker does not teach or suggest a scheme of tournament play where revenue is obtained from a player playing multiple games where each game in the tournament play is charged a fee during tournament play. In addition, Walker does not disclose sharing revenue obtained from the tournament play between the game provider and the network provider.

Walker discloses two different types of game play, a tournament game play and individual games (see Abstract and paragraph 18 of Walker). The Examiner cites paragraphs 104 and 106 as disclosing a fee per game. The Applicant respectfully disagrees with this characterization. In paragraphs 104 and 106, Walker discloses paying an entry fees for a game, not associated with tournament play. However, Walker discloses this in the context of game play of individual games and not in tournament play. Walker does not disclose charging a fee for each game in the tournament. Rather, Walker merely discloses paying a fee for a game. For tournament play, Walker clearly discloses paying a single entry fee for the entire tournament, rather than a fee per game (see paragraphs 33, 88, and FIG. 2 of Walker).

Additionally, the Examiner cites paragraph 25 of Walker as disclosing transferring a fee to a network provider. However Walker does not disclose transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. As discussed above, Walker does not disclose obtaining revenue for each game played in tournament play. In addition, in Walker, the fees that are collected are not shared between any entities. The Applicant's invention provides for sharing of revenue between the network provider and a game provider.

Walker does not disclose the steps of determining a fee to the user for playing each game in the tournament or transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. Thus, Walker does not anticipate claim 1. Independent claims 19, 34, and 43 contain limitations analogous to claim 1. Therefore, those claims are also not anticipated by Walker.

Claims 2-18 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 20-33 depend from claim 19 and recite further limitations in combination with the novel elements of claim 19. Claims 35-42 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 44-53 depend from claim 43 and recite further limitations in combination with the novel elements of claim 43. Therefore, the allowance of claims 1-53 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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